UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/609,269	06/30/2000	Donald Kadyk	13768.109.1	2137

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EXAMINER
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ART UNIT	PAPER NUMBER
2667	

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 June 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-41* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This communication is in response to applicant's amendment filed June 11, 2004.

Claims 1-41 are pending.

Oath/Declaration

2.   The signature of the following inventor(s) is missing from the oath or declaration:

Neil Fishman and Marc Seinfeld.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Bowker, D. O. et al (EP 0872990 A1) in view of Bouis et al (US Patent No. 6,741,608

B1). Hereinafter, referred to as Bowker and Bouis.

With respect to claim 1, 11-13, 18-19, and 31-32, Bowker discloses in Fig. 1, a

functional block diagram representing a Broker Application Server (BAS) (herein, the

BAS is considered as a gateway by the examiner) for facilitating communications

between one or more senders and one or more receivers over a digital packet network.

Bowker discloses (page 5, lines 5-10) that if the data is not in the preferred format of

receiver 14, control is transferred to a first transcoder 116 and the data is transcoded into

a common or generic format (intermediate data format) (an act of converting the data

structure from the first data format into an intermediate data format using first format

conversion module in the sequence of data conversion modules). The data now in a

common format is then further transcoded in a second transcoder 118 in to the preferred

format of the receiver 14 (an act of converting the data structure from the intermediate

data format into the second data format using at least second format conversion module

in the sequence of data conversion modules). Herein, the common or generic format and

the preferred format of the receiver are identified as a sequence of format conversion

modules by the examiner for converting the received data from the sender to the preferred

format of the receiver.

Bowker does not disclose using at least two second format conversion modules in

the sequence of data conversion modules, for converting the data structure from

intermediate data format into the second data format, wherein each of the second format

conversion modules converting the data structure into different formats.

Bouis discloses in Fig. 6A, a method of transcoding streaming data using a

sequence of conversion modules B, C, and A. Herein, conversion module B converts the

input data into the internal data format (intermediate data format), conversion module C

converts the internal data format into another data format, and then conversion module A

converts another data format into the preferred format (second data format) (using at least

two conversion modules in the sequence of data conversion modules for converting the

intermediate data format into second data format). Herein, each conversion module

converts one format into a specific output format.

It would have been obvious to one having ordinary skill in the art at the time the

invention was made to include at least two conversion modules for converting the

intermediate data format into the preferred data format in Bowker's system, as suggested

by Bouis, to accommodate format diversity.

With respect to claims 2, 15, and 22, Bowker discloses in Fig. 3, a flowchart of a

process for translating data to a user's preferred format include the steps of examining the

format of the received data from the sender (an act of identifying first data format as

received from the originating computer system) and determining preferred format of the

addressed receiver (an act of identifying second data format compatible with the remote

computer system).

With respect to claims 3, 16, and 23, Bowker discloses (page 4, lines 53 – 54) that

the data is extracted from the packet (an act or reading a content type field associated

with the data structure).

With respect to claims 4, 17, and 24, Bowker discloses in Fig. 3, step 304 that

address information stored in the packet is examined (an act of reading a destination

address field associated with the data structure). Further, in step 310, preferred format of

addressed receiver is determined by looking up information stored in memory 103, Fig. 1

(an act of querying a database for a data format and determining the resulting data format

associated with the remote computer system that is represented by the destination address

within the destination address field).

With respect to claims 5, 7, 9, 25, 27, 29, 37-38, and 40, Bowker discloses in Fig. 5, a network environment comprising plurality of senders (originating devices) and receivers (remote devices) and BAS. Bowker does not disclose remote and originating computer system comprising a wireless device. However, it is known in the art a plurality of handheld devices such as PDAs, palmtops, pocket computers have been widely used, in wireless communications network, to display emails, text, graphics, etc... Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a wireless device in the network environment of Bowker, to accommodate and display information for mobile users.

With respect to claims 6, 8, 10, 26, 28, 30, and 39, Bowker discloses (page 4, lines 23-30) that the sender 12 can be an individual computer (herein, the individual computer is considered as a server by the examiner) (originating computer system comprising a server computer system), a network node, a PoP of an ISP, or any other device, which transmits digitized packets. The receiver 14 may suitably be a general-purpose personal computer (herein, the general purpose personal computer is considered as a server by the examiner) (the remote computer system comprising a server computer system) or an Internet or web terminal with more limited functionality.

With respect to claims 14 and 34, Bowker discloses in Fig. 1, the BAS comprising a memory 103 for storing preferred format of receivers (computer readable medium comprising a physical storage medium).

With respect to claims 20-21, 33, and 35, Bowker discloses in Fig. 1, a functional block diagram representing a Broker Application Server (BAS) (herein, the BAS is considered as a gateway by the examiner) for facilitating communications between one or more senders and one or more receivers over a digital packet network. Bowker discloses (page 5, lines 5-10) that if the data is not in the preferred format of receiver 14, control is transferred to a first transcoder 116 and the data is transcoded into a common or generic format (intermediate data format) (an act of converting the data structure from the first data format into an intermediate data format using first format conversion module in the sequence of data conversion modules). The data now in a common format is then further transcoded in a second transcoder 118 in to the preferred format of the receiver 14 (an act of converting the data structure from the intermediate data format into the second data format using at least second format conversion module in the sequence of data conversion modules). Herein, the common or generic format and the preferred format of the receiver are identified as a sequence of format conversion modules by the examiner for converting the received data from the sender to the preferred format of the receiver.

Bowker does not disclose identifying a plurality of sequences of format conversion modules and using one of plurality of sequences of format conversion modules.

Bouis discloses (col. 6, lines 40-43) that the transcoding controller 410 also determines the combinations or paths (plurality of sequences) of stream conversion modules that can convert from the source format into the destination format. Herein, the each comprises a sequence of conversion modules.

It would have been obvious to one having ordinary skill in the art at the time the

invention was made to include the features of identifying plurality of sequences of format

conversion modules and using one of the plurality of sequences of format conversion

modules in Bowker's system, as suggested by Bouis, as a function of calculated paths

load.

With respect to claims 36 and 41, Bowker discloses (page 4, lines 23-30) that the

sender 12 can be an individual computer (herein, the individual computer is considered as

a server computer system by the examiner), a network node, a PoP of an ISP, or any other

device, which transmits digitized packets. The receiver 14 may suitably be a general-

purpose personal computer (herein, the general purpose personal computer is considered

as a server computer system by the examiner) or an Internet or web terminal with more

limited functionality.

Response to Arguments

4.   Applicant's arguments with respect to claims 1-41 have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than

SIX MONTHS from the date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Anh-Vu H Ly whose telephone number is 703-306-5675.

The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chi Pham can be reached on 703-305-4378. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

KWANG BIN YAO
PRIMARY EXAMINER

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